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IN THE DISTRICT COURT OF THE UNITED STATES

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FOR THE MIDDLE DISTRICT OF ALABAMA

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U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

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JOHNNY HUGHLEY, # 9843,

petitioner,

v.

Civil Action No. 3:08 cv 10a

WILLIE R. COLLINS, WARDEN,

Respondent.

PETITIONER'S NOTICE TO INVOKE
RULE 23(a) OF THE RULES OF
APPELLATE PROCEDURE

Comes Now the petitioner, Johnny Hughley, in the above styled cause of Action, Pro-se, pursuant to the provision of Rule 23(a), of The Rules of Appellate procedures, and hereby states the following:

1. That Rule 23(a), of The Rules of Appellate Procedures states, in part, that:

" pending review of a decision in a habeas Corpus proceeding commenced before a

Court, Justice, or Judge of the United States
For the release of a prisoner, the person
having custody of the prisoner must not
transfer custody to another unless a transfer
is directed in accordance with this rule."

Dated the 22nd day of February, 2008.

Respectfully submitted,

Johnny Hughley

Johnny Hughley

Montgomery City Jail

P.O. Drawer 159

Montgomery, AL 36101

CERTIFICATE OF SERVICE

I hereby certify that I did serve a copy of the foregoing upon the opposing parties, via U.S. postal mail, and properly addressed below:

J.B. parrine

Assistant U.S. Attorney

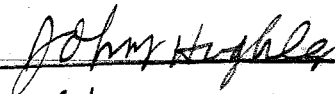
p.o. Box 197

montgomery, AL 36101

United States Marshals Service

one Church Street

montgomery, AL 36104


Johnny Hughley

Johnny Hughley
Montgomery City Jail
P.O. Drawer 159
Montgomery, AL 36101

MONTGOMERY, AL 36101

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INMATE MAIL
MONTGOMERY CITY JAIL

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